

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Eminence, Missouri)

MM Docket No. _____
RM- _____

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

Ozark Broadcasting, Inc. ("Ozark"), by its attorney, hereby respectfully requests the Chief, Allocations Branch, to issue a Notice of Proposed Rule Making, looking towards the amendment of Section 73.202 of the Commission's Rules and Regulations (47 C.F.R. Section 73.202) to allocate Channel 276C3 to the community of Eminence, Missouri, as that community's first local broadcast service. In support thereof, it is alleged:

1. Eminence, Missouri, is an incorporated community of 582 persons, which serves as the county seat of Shannon County (1990 Census population 7613). Eminence is located in the southeastern portion of the state, about 58 miles northwest of Poplar Bluff. Eminence has a chamber of commerce and numerous Shannon County offices are situated in Eminence. A motor vehicle department is situated in Eminence, as is an office of the U.S. Consolidated Farm Services Agency. The Shannon County Circuit, Associate, Small Claims and Probate Courts are also situated in

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Eminence, as is the Shannon County prosecuting attorney. Law enforcement services are provided by the Shannon County Sheriff, whose offices are located in Eminence.

2. Eminence has its own fire department. Emergency medical services are provided by the Shannon County Ambulance Service. There are two medical clinics situated in Eminence, plus a family clinic and a residential care facility for seniors. Eminence has its own school system, complete with an R-1 school, an elementary school and a high school.

3. There are two different local banks in Eminence: The Community Bank and the Eminence Security Bank. Two law firms are located in Eminence. There is a Food Mart and five restaurants. At least six different churches are situated in Eminence.

4. In short, Eminence is an incorporated community with an abundance of local institutions, deserving of a first local broadcast service. To provide that service, Ozark proposes an amendment of the Table of FM Allotments to assign Channel 276C3 to the community. An engineering report, prepared by Munn-Reese, Inc., is attached, demonstrating that the channel can be allocated in full conformity with all of the Commission's Rules and Regulations.

5. If the allocation is made, and a filing window is opened for Eminence, Ozark will file a short form application for the facility. Furthermore, if Ozark is subsequently invited to file a long form application (FCC Form 301), either because Ozark is the only party to file a short form application or because Ozark is the winner of an auction for the construction permit, Ozark will promptly file a long form application and, if Ozark is granted a construction permit, Ozark will

promptly construct a station and put the station on the air in the public interest.

Respectfully submitted,

OZARK BROADCASTING, INC.

May 21, 2001

Law Office of
LAUREN A. COLBY
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P.O. Box 113
Frederick, MD 21705-0113

By: 

Lauren A. Colby, Esq.

**ENGINEERING REPORT
IN SUPPORT OF A
PETITION FOR RULEMAKING**

**New Channel 276C3
Eminence, MO**

May 2001

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MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

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CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

May 16, 2001

MUNN-REESE, INC.

By Wayne S. Reese
Wayne S. Reese, President

By Justin W. Asher
Justin W. Asher, Project Engineer

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MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

DISCUSSION OF REPORT

The office of Munn-Reese, Inc. has been retained to prepare this engineering report for Ozark Broadcasting Inc. in support of a rulemaking to amend the FM Table of Allotments found in 47 CFR §73.202(b). The addition of Channel 276C3 for Eminence, MO is requested. Channel 276C3 will be the first aural service for this community.

A study was made of the Channel 276C3 allocation at Eminence, MO using a special reference point. This point is defined by the coordinates: 37° 16' 07" NL and 91° 15' 05" WL. Using a currently updated secondary copy of the FCC database of FM broadcast stations, the Tabulation of Allocation Spacing found in **Figure 1** was developed. Inspection of this tabulation shows under the current rules, the proposed reference point meets all spacing requirements.

Figure 2 is a map of the open area for Channel 276C3 from the special reference point. The special reference point used is within the defined open area. **Figure 2A** is a topographical map of this point. A second map, included as **Figure 3**, shows the predicted principal community contour (70 dBu - 3.16 mV/m) of a full Class C3 facility operating from the reference point. The community boundaries of Eminence are shown on this map and lie completely within the predicted contour.

No modification of any allocation is required to achieve the goal of this proposal. The proposal, which this report supports, requests the Table of Allotments found in 47 CFR §73.202(b) be amended as follows:

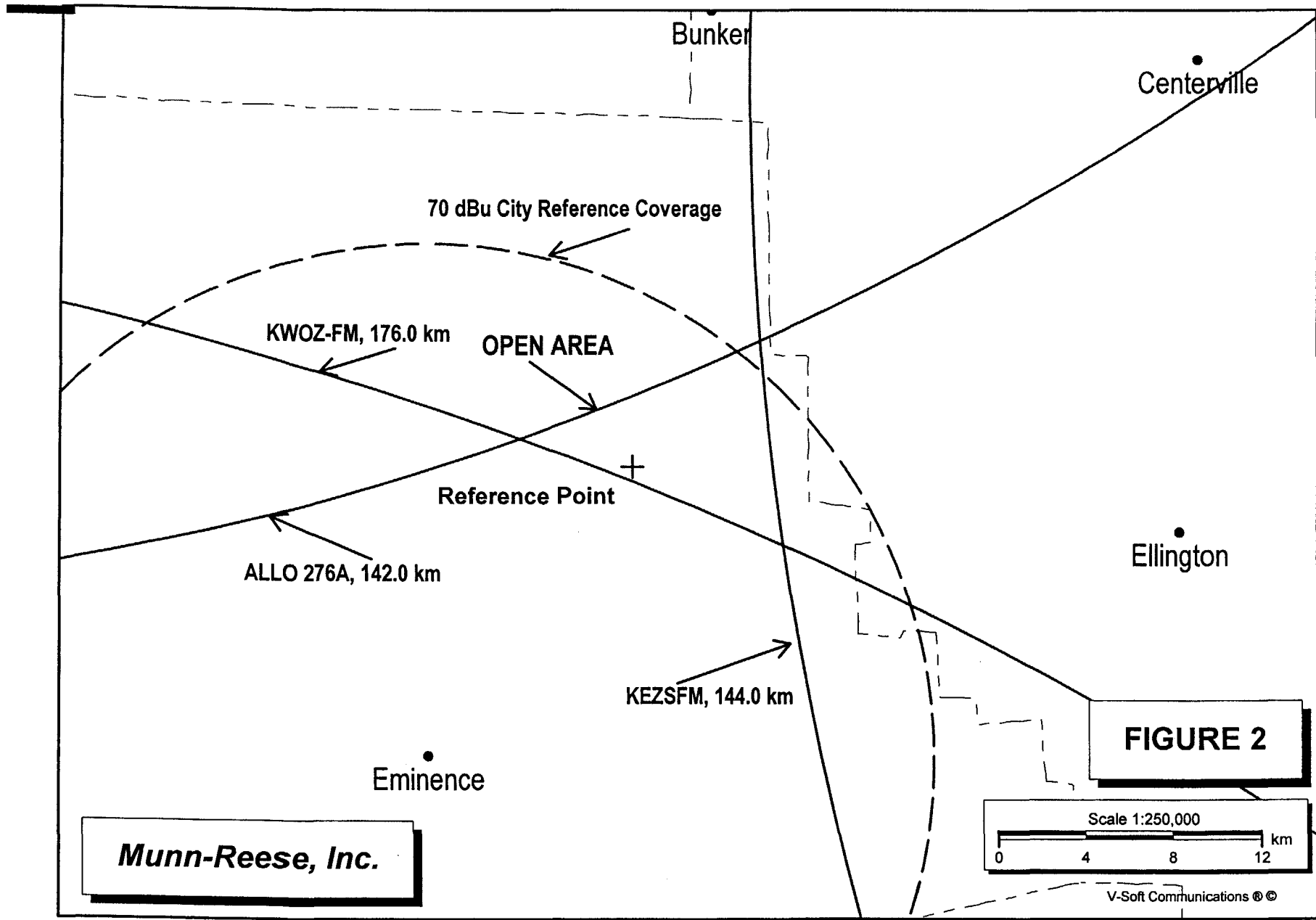
<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Eminence, MO	---	276C3

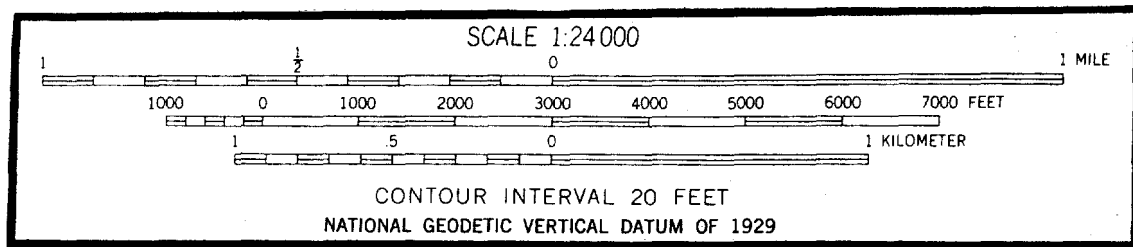
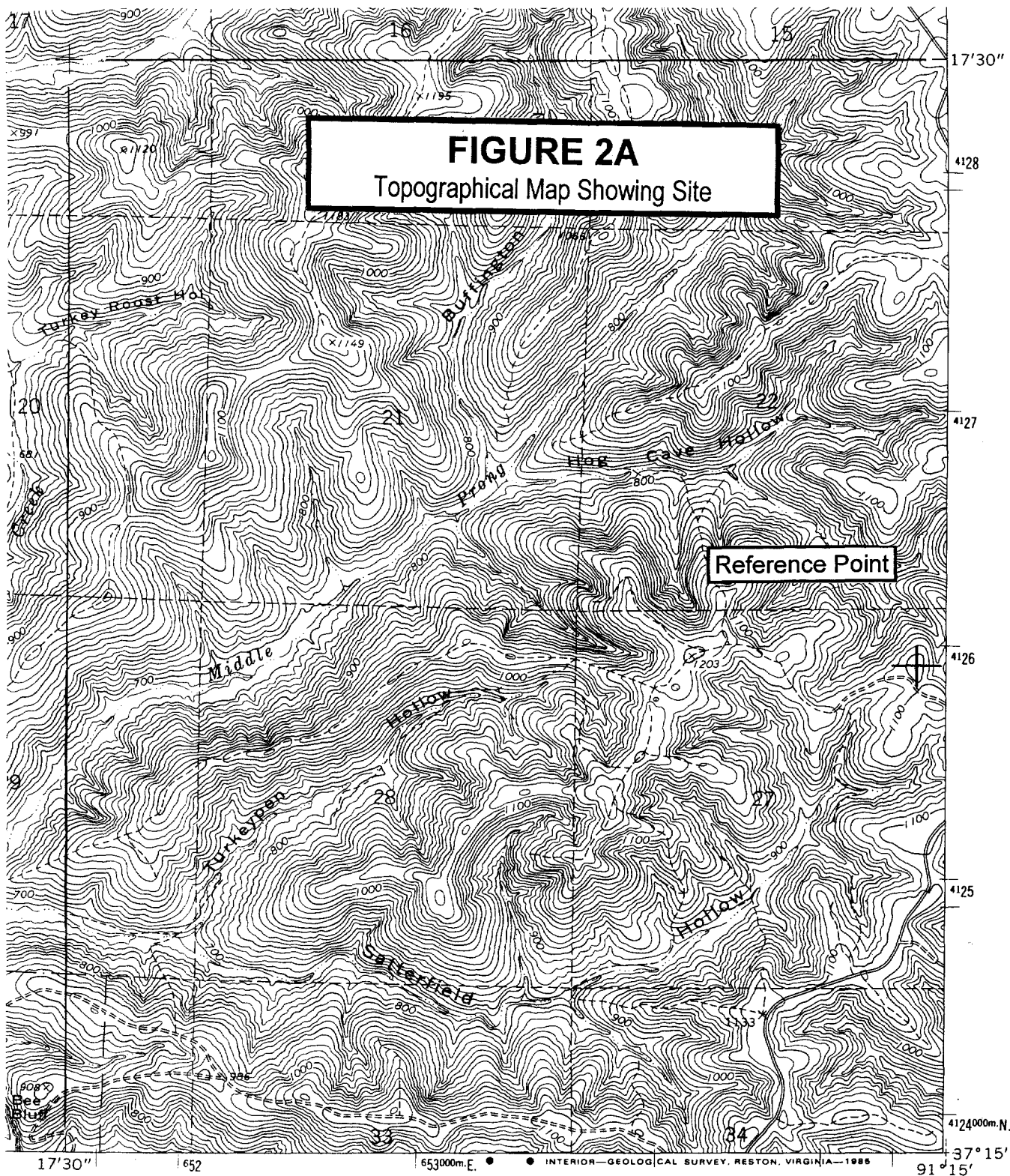
FIGURE 1

TABULATION OF ALLOCATION SPACINGS

REFERENCE				CLASS = C3		DISPLAY DATES	
37 16 07 N				Current		DATA	04-28-01
91 15 05 W				Spacings		SEARCH	05-07-01
----- Channel 276 - 103.1 MHz -----							
Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			

KWOZ	LIC 277C	Mountain View	AR	176.51	201.3	176.0	0.51
35 47 06	91 57 44	CN	100.000 kW	301 M			
Mountain View Broadcasting			BLH19871110KB				
ALLO	VAC 276A	Linn	MO	144.97	338.9	142.0	2.97
38 29 06	91 51 06		6.000 kW	100 M			
			RM				
KEZSFM	LIC 275C1	Cape Girardeau	MO	150.47	83.6	144.0	6.47
37 24 23	89 33 44	CN	100.000 kW	289 M			
Zimmer Broadcasting Compan			BLH19870501KC				
KLOU	LIC 277C1	St. Louis	MO	163.10	30.5	144.0	19.10
38 31 47	90 17 58	CN	100.000 kW	280 M			
Citicasters Co.			BLH6439				
KKDY	LIC 273C2	West Plains	MO	86.16	221.8	56.0	30.16
36 41 22	91 53 45	CN	50.000 kW	148 M			
Central Ozark Radio Networ			BLH19900125KB				
KZMA	LIC 278C2	Poplar Bluff	MO	94.27	119.6	56.0	38.27
36 50 50	90 19 52	CN	50.000 kW	99 M			
Twin Eagle Communications			BLH19960417KA				
KJEL	LIC 279C	Lebanon	MO	145.67	295.4	96.0	49.67
37 49 10	92 44 51	CN	100.000 kW	300 M			
Ozark Broadcasting, Inc.			BLH19881115KC				





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QUADRANGLE LOCATION

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517-278-7339

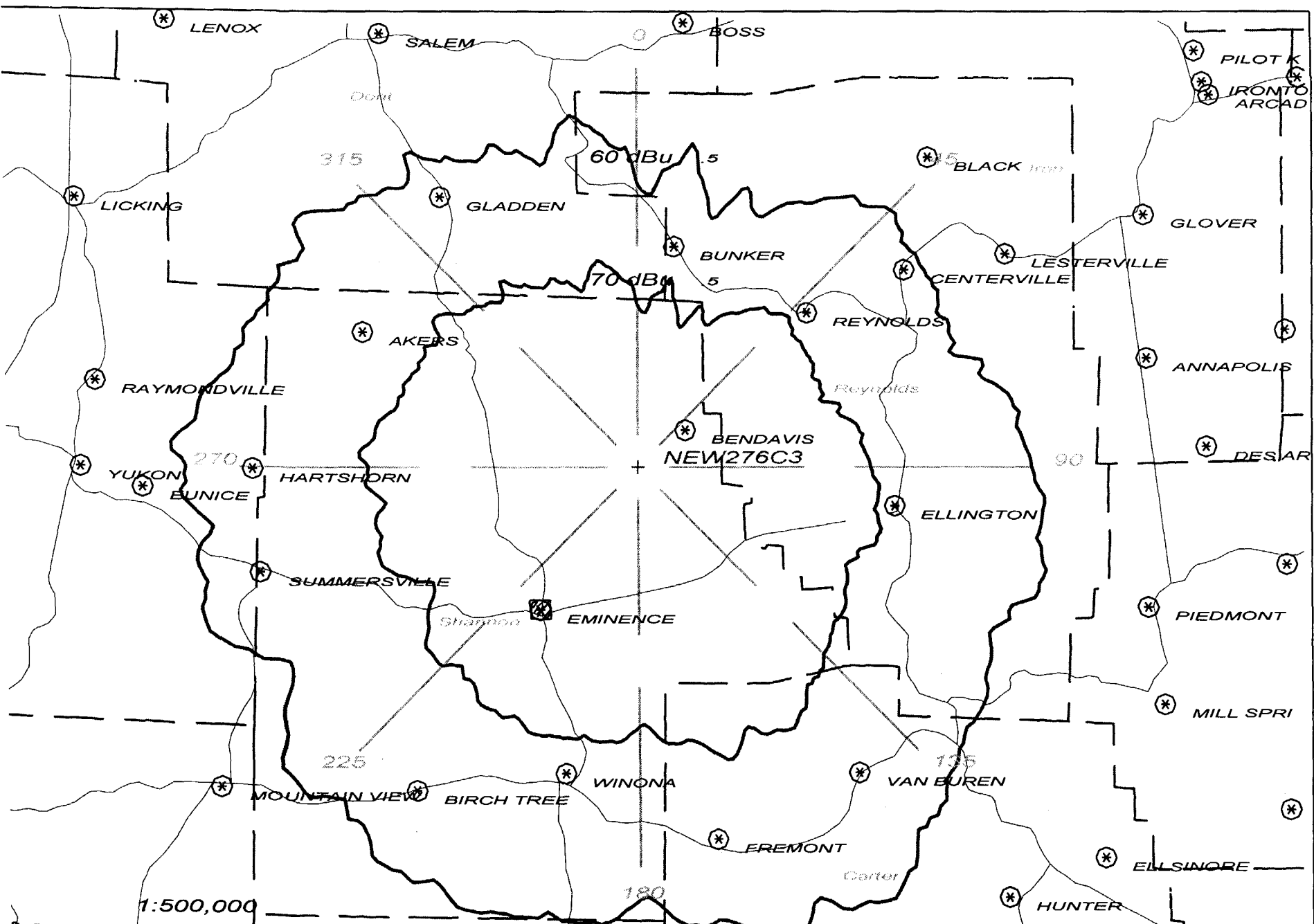
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THE SINKS, MO.

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Revisions
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NEW276C3 276C3 25kW 388.15M AMSL
 N. Lat. 37 16 07 W. Lng. 91 15 05

Figure 3
 Munn-Reese, Inc. - 05/01